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SUBJECT: FOURTH URN UPDATE: COURT RULES IN FAVOR OF
ATTORNEY GENERAL AND AGAINST FOURTH URN POLL

REF: A. TEGICIGALPA 380

[1](#)B. TEGUCIGALPA 348 AND PREVIOUS

Classified By: Ambassador Hugo Llorens, reasons 1.4 (B & D)

[1](#)1. (C) Judge Jorge Zelaya Zaldana of the Administrative Court of First Instance, ruled on May 27 in favor of the Attorney General in the case he brought against the government (ref A). The Attorney General's case alleged that the government's planned use of the National Statistical Institute (INE) to hold a poll on June 28 and canvass popular support for adding a "Fourth Urn" on Election Day (November 27) to hold a constituent assembly was illegal. Armed with the surprise backing of the Solicitor General Rosa America de Galo, the Judge had no strong legal impediments to his decision, and cited de Galo's decision in his ruling. Judge Zelaya's decision suspended the poll, declared a Fourth Urn illegal, and ordered an end to all government propaganda in support of these events. In his ruling he stated that any attempt to move forward on the poll would cause grave "economic, political, and social harm" to the state of Honduras that would be "impossible to repair." The Executive responded by declaring that the judge's decision was null and void because the original decree had been rescinded, and the word "consultation" had been substituted with "public opinion poll." The Attorney General immediately retorted that, if necessary, he would lodge a similar case against the new decree with which he expected to obtain the same results.

[1](#)2. (C) As reported ref A, opposition groups appear to be overcoming their differences and joining forces against President Manuel "Mel" Zelaya's efforts to hold a Fourth Urn. On May 27, groups as diverse as the left-centered Women's rights NGO "Visitacion Padilla" and the conservative National Federation of Ranchers and Farmers (FENAGH) declared their public opposition to a Fourth Urn. Embassy sources told us that all five parties are planning to issue a joint communique regarding their common position against the President's plans. It appears that the two leading Presidential candidates, Liberal Elvin Santos and Nationalist Pepe Lobo, have also agreed that they will no longer attack each other over their different approaches on the issue of the Fourth Urn. Embassy sources report that current plans by opponents of the Fourth Urn are for ten members of the National Congress representing all five parties to present a

united bill to create the regulatory framework for holding a future plebiscite, thus satisfying the public's yearning to be consulted (possibly in 2010) without interfering with the upcoming general elections.

Comment: (C) This recent ruling by the judge against the government planned poll is a victory for opponents of the Fourth Urn. The legal triumph combined with growing and more coordinated institutional and civil society opposition weakens and further isolates Zelaya, although he and his supporters remain defiant and increasingly strident in calling for radical change to the Honduran political system. Embassy will continue to reach out to all players and ensure that anything done to deny or approve the GOH's proposal on the Fourth Urn be legal, constitutional, and consensual.
LLORENS